

AXOLOTL LAKES LAND EXCHANGE  
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## **INTRODUCTION**

The purpose of this document is to analyze alternatives available to BLM in acquisition of approximately 400 acres of private land located about ten miles southwest of Ennis, Montana, and to disclose the impacts of those alternatives. The document also outlines a management strategy if the action is completed.

## **NEED FOR THE PROPOSED ACTION**

The BLM has been approached at various times over the past 20 years regarding acquisition of the Axolotl Lakes property which lies adjacent to BLM lands located in Madison County, Montana (see Map 1). The resource values contained in the private land are outstanding. The property contains significant wetland, riparian, and fishery and wildlife values, and offers quality non-motorized recreational opportunities and scenic vistas. The Dillon Management Framework Plan (MFP), approved in September 1979, recognized these values long ago and identified these private lands adjacent to the public land in the Axolotl Lakes vicinity for acquisition due to the high resource values.

Acquisition of such land is always contingent on willing landowners and funding available for acquisition. Land exchanges provide a tool to the BLM to pursue acquisition of lands appropriate for public ownership when outright funding for acquisition is not available.

The Proposed Action described in this document involves exchanging public land in Beaverhead and Madison Counties currently administered by the Bureau of Land Management's Dillon Field Office to acquire approximately 400 acres of private property lying adjacent to the Axolotl Lakes Wilderness Study Area. The exchange approach was developed in partnership with The Conservation Fund (TCF) of Arlington, Virginia since the property was to be marketed to the private sector and certain considerations did not allow the BLM to act directly with the private owner in a timely fashion. Thus, the parties to the proposed exchange are the BLM and TCF.

The exchange would be an equal value exchange based on appraised values. Although this document addresses 52 BLM Parcels identified for exchange consideration, only enough public land will be utilized to equalize value with the value of the private land. Upon consummation of the exchange, TCF would convey the private land to the BLM and BLM would convey the parcels of public land to TCF and/or TCF's designees.

Under the Proposed Action, the Axolotl Lakes property would also be withdrawn from location and entry under the general land laws, including the mining law. This withdrawal would provide protection needed for the wetland, riparian, fishery and other recreational values on the property.

## **CONFORMANCE WITH LAND USE PLANS**

The proposed Axolotl Lakes Land Exchange is in conformance with the Dillon Resource Area Management Framework Plan (MFP), approved in September of 1979. The Dillon MFP provides for the exchange of public lands to achieve greater efficiency with regard to administration and to increase public ownership of critical resource values.

Parcels 15B, 98, 99, 127, 229, 236, 250, 262, 355A, 355B, 357, 358, 376, 422, 445, 446, 451, and 520 were previously included in other BLM land exchanges and were addressed in previous environmental assessments. However, the parcels were not utilized in those earlier exchanges and are now available for this exchange proposal. This EA will address all 52 parcels proposed for exchange whether they have been included in prior analysis documents or not.

The proposed exchange is also in conformance with the *Supplement to State Director Guidance for Resource Management Planning in Montana and the Dakotas for Land Pattern Review and Land Adjustment*. This supplement was published in 1984 to provide guidance for all major types of land adjustment. The outstanding values on the private lands and the opportunities for land consolidation and gaining additional access to public land and resources are all criteria given for acquisition purposes in the supplemental guidance. The private land proposed for acquisition in the exchange is located in a retention zone as identified in this *Supplement*. Some of the BLM lands proposed for exchange lie in retention zones, but under the guidance can be used if conveyance of parcels in retention zones results in significant public benefits.

The Dillon MFP specifically provides for the withdrawal of areas which have values higher than values for mineral production. The character of the wetland, riparian, and fishery values, coupled with the scenic beauty and recreational uses on the parcel, justify a proposed withdrawal of these lands.

## **RELATIONSHIP TO STATUTES, REGULATIONS, OR OTHER PLANS**

The action would be processed under Title II, Sections 205 and 206 of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended. Implementing regulations are found at 43 CFR 2200. Transfer of any BLM parcels leased for grazing will be completed in conformance with the grazing regulations at 43 CFR 4120. The Axolotl Lakes area will be inventoried for wilderness characteristics under Section 202 of FLPMA upon completion of the exchange.

The public lands proposed for conveyance out of Federal ownership in the exchange are located in Beaverhead and Madison Counties. Beaverhead County has drafted a Comprehensive Resource Use Plan for Beaverhead County, Montana which will be included as a component of the Beaverhead County Comprehensive Plan if adopted. The Resource Use Plan contains a section which addresses Land Tenure, Disposition,

Acquisition and Use. This section indicates a goal of the plan is to increase the amount of privately held land within Beaverhead County. Any land exchange action resulting in conveyance of public land in Beaverhead County out of Federal ownership would be consistent with this provision.

Extensive subdivision development throughout Madison County has resulted in agricultural land being taken out of production, increased demand for services for subdivision developments, and resulted in the development of land for residences which may not be well-suited for that type of use. As a result of these issues, the Board of Commissioners for Madison County expressed concern regarding conveyance of certain parcels of public land out of Federal ownership. The County attempted to address their concerns in the recently completed comprehensive update and revision of Madison County's land use plan. One of the policies included in this revised comprehensive plan stated that the conveyance of BLM land exchange tracts into private ownership should maintain the prevailing land use in the immediate area surrounding the rural and isolated BLM tracts. As a result of the guidance in Madison County's revised land use plan, the County Commissioners implemented a temporary zoning restriction to be applied to the BLM exchange parcels. The intent was to prevent subdivision development on any BLM exchange tracts after their conveyance into private ownership. This zoning would not restrict the use of the tracts for agricultural uses, mineral extraction, or uses of timber. This type of action on the part of local government is consistent with the provisions of Section 210 of the Federal Land Policy Management Act (FLPMA) which requires notification of local governments for purposes of zoning or other regulation when conveying land out of Federal ownership in their jurisdictions. However, the zoning restriction will expire before the exchange is completed.

Five of the BLM parcels had withdrawals on them which had to be revoked in order for the parcels to be utilized in a land exchange. These parcels are as follows:

- Parcels 355 and 357 were affected by an Oil Shale Withdrawal pursuant to Executive Order 5327 dated June 25, 1910. This withdrawal was revoked in its entirety by Public Land Order 7411, dated August 20, 1999.
- The portion of the Parcel 470 lying in sections 23 and 26 was withdrawn for Stock Driveway 11 Montana #1 via Secretarial Order dated March 18, 1918. This withdrawal was partially revoked over those portions of Parcel 470 by Public Land Order 7400, dated July 1, 1999.
- Parcel 529 was affected by a Reservoir Site Withdrawal pursuant to Executive Order 7400, dated July 12, 1911. The portion of this withdrawal affecting Parcel 529 was lifted by Public Land Order dated July 1, 1999.
- Parcel 537 was withdrawn by Public Land Order 2760 for the Bureau of Reclamation's East Bench Unit of the Pick-Sloan Missouri Basin Program. The

portion of this withdrawal affecting Parcel 537 was lifted by Public Land Order 7400, dated July 1, 1999.

As a result of the revocations, these BLM parcels are now available for exchange.

The Gravelly Mountains Landscape Analysis and the Pioneer Mountains Landscape Analysis were drafted jointly by the BLM and Forest Service. The Axolotl Lakes property is located within the Gravelly Landscape. Of the 52 BLM parcels included in this analysis, three (3) lie in the Pioneer Landscape and 24 lie within the Gravellys. The remaining parcels are not covered by this type of analysis. The concepts and recommendations presented in the landscape documents are utilized as a guide concerning land management and land use allocations, though they are not decisions. While these documents do not directly address land exchange actions, the Gravelly analysis discusses the use of exchanges to consolidate the fragmented land pattern of BLM-administered lands. In addition, one of the vegetative goals of the Gravelly Landscape Analysis is to focus on Aspen regeneration. Opportunities for Aspen regeneration exist on the private lands being considered in the exchange.

This action is also consistent and supports the Fluvial Arctic Grayling Recovery Plan and Program spearheaded by Montana Fish, Wildlife and Parks (FWP). This strategy is being implemented to avert listing of this species as Threatened or Endangered under the Endangered Species Act.

BLM focuses on lands with significant and critical resource values when conducting exchange or acquisition projects. It is the intent of the BLM to retain all acquisitions, whether made via exchange or as a result of Land and Water Conservation Fund (LWCF) funding. Consequently, it is in the public's interest for measures to be taken to ensure such lands are retained in Federal ownership and managed for long-term protection of the values they contain. Withdrawal of the Axolotl Lakes property from operation of the general land laws, including the mining law, is provided for under FLPMA and implementing regulations found at 43 CFR 2300. This action will provide a protective measure to the Axolotl Lakes property to ensure its retention as public land.

## **PROPOSED ACTION AND ALTERNATIVES**

### **NO ACTION ALTERNATIVE**

Taking no action would forego the acquisition by the BLM of outstanding resource values present on the Axolotl Lakes private lands, either by exchange, outright acquisition, or a combination of the approaches. BLM parcels considered for exchange would remain under management by the BLM, and the private land would probably be marketed as recreational retreat property. As the lands would not be under Federal ownership, a withdrawal action would not be pursued. The two road easements

associated with the exchange of two of the BLM parcels would not be acquired for use by the public.

### **PROPOSED ACTION—LAND EXCHANGE**

The Proposed Action is to acquire approximately 400 acres of private land through the use of a land exchange. The exchange would be between the BLM and TCF.

Under the exchange proposal, BLM would acquire 400.917 acres of non-Federal land located in Madison County, Montana and adjacent to the Axolotl Lakes Wilderness Study Area (WSA). These lands are described in Table 1 and are displayed on Map 1.

Note that forty acres adjacent to the property are being considered for acquisition by FWP under a separate transaction and are not part of this proposal. No water rights will transfer with the property to be exchanged to BLM, and one-third of the mineral estate has been severed from the fee title and would not transfer. The parcel is easily accessible via a county road. No other public access routes traverse the parcel, though primitive two-track roads exists to access irrigation structures and backcountry portions of the property.

In the exchange, the United States would convey an equal value (not an equal acreage) of Federal lands administered by the BLM's Dillon Field Office and scattered across both Madison and Beaverhead Counties to TCF, or TCF's designee. There are approximately 7601.34 acres of public land administered by the BLM scattered across 52 separate parcels being considered for exchange. Of these BLM parcels, there are 3824.19 acres in Beaverhead County and 3777.15 acres in Madison County. These tracts are listed by legal description in Appendix 1 and depicted on Ma 2. The exchange would utilize only enough parcels of the BLM land to equal the appraised value of the Axolotl Lakes private land.

Right-of-ways of record associated with the Federal lands would be converted to private party easements prior to closing. Federal rights would be reserved in the patents and patents would be taken subject to any County roads or other encumbrances not converted to easements. There are no water rights associated with the Federal lands and thus no water rights would transfer. There are no withdrawals present on any of the parcels; two parcels have active mining claims which would need to be relinquished in order to permit conveyance. It is anticipated that TCF would work with the claimants as a designee in relinquishment of the claims and exchange of these parcels.

**TABLE 1**  
**LANDS TO BE ACQUIRED THROUGH EXCHANGE**

Township 7 South, Range 2 West of the Principal Meridian Montana:

Section 8:                S½SE¼, NW¼SE¼

Section 17:            N½NE¼

Tract C, as shown on Perrault No. 1 Minor Subdivision Plat filed in Book 4 of Plats, Page 267, in the records of Madison County, Montana and being a tract of land located in the S½ NE¼ of Section 8 of T.7S, R.2W, P.M.M., and,

Tract D, as shown on Certificate of Survey No. 1277, filed in Book 7 of Surveys, Page 1277, in the records of Madison County, Montana and being a tract of land located in S½ NE¼ of Section 8 and the S½N½ and SE¼ of Section 9 of T.7S, R.2W, P.M.M.,

All above described lands being located in Madison County, Montana, totaling approximately 400.917 acres, more or less.

Two permanent exclusive road easements providing access to public land would also be acquired via the exchange as a condition of conveyance of Parcels 525 and 529 out of Federal ownership. Under the Proposed Action, the Axolotl Lakes property would be withdrawn from operation of the public land laws, including the mining law, to ensure long-term retention of the tract as well as appropriate management of the important values it contains.

The parties to the exchange proposal understand that the value of the Federal and non-Federal lands must be equalized as determined by appraisal upon completion of the exchange. Appraisals will be conducted using the Uniform Standards of Professional Appraisal Practice (USPAP) and are subject to approval by the BLM. BLM anticipates that the list of Federal parcels will exceed the value of the private land. If, after the required appraisals are completed the Federal and private lands are not equal in value, BLM and TCF have agreed to add or subtract land in order to equalize values. In addition, TCF has indicated that equalizing values through a cash payment to the BLM would be considered. It is anticipated that this exchange would be consummated with a single, simultaneous closing.



There likely will be a significant difference in the total acreage of private land to be acquired in comparison to the acreage of BLM land to be exchanged. The reason for this is that private land generally has a much higher appraised value on a per acre basis than do BLM lands, given the resource values, access and other characteristics of the respective properties. By design, public lands placed in land exchange pools generally exhibit low resource values, lack water resources, and lack access, whereas lands slated for acquisition have significant resource values, access and other characteristics which make them desirable to place in public ownership.

#### **ALTERNATIVE 1–LWCF ACQUISITION**

Under this Alternative, approximately 400 acres of private land adjacent to the BLM Axolotl Lakes Wilderness Study Area would be acquired through funding provided under the Land and Water Conservation Fund (LWCF). The value of the Axolotl Lakes property as established by appraisal would be provided through LWCF funding and no public lands would be conveyed out of Federal ownership. As a result, the easements related to Parcels 525 and 529 would also not be acquired by the BLM for use by the public. Withdrawal of the Axolotl Lakes land would be pursued.

#### **ALTERNATIVE 2-COMBINATION**

This alternative would use a combination of LWCF funding in conjunction with conveyance of enough BLM parcels to match the appraised value of the private Axolotl Lakes land. Under this alternative, easements related to Parcels 525 and 529 would be acquired by BLM as a condition of exchange of those parcels, as BLM would place highest priority on exchange of those parcels. Withdrawal of the Axolotl Lakes land would be pursued.

#### **INTERIM MANAGEMENT UNDER ALL ALTERNATIVES (EXCEPT NO ACTION)**

Upon acquisition, the Axolotl Lakes property would be managed foremost to protect fishery values, wetland and riparian areas, and to preserve non-motorized recreational opportunities and the scenic values inherent in this landscape. A joint management plan would be developed using a Cooperative Agreement between the BLM and FWP to provide for adequate protection and access to a fluvial Arctic grayling brood pond which FWP is working to acquire under a separate action. It is not anticipated that management of the parcel would substantially change given the conservation management of the private parties holding the property to date. An inventory will be completed upon acquisition of the parcel to determine whether the parcel contains wilderness characteristics. Long-term management objectives and allocations will be addressed in the comprehensive Dillon Resource Management Plan which is being initiated for public lands in Beaverhead and Madison County.

The property is currently accessed by a County Road that receives limited maintenance. This is a public access route that will continue to be used. However, additional motorized access into the parcel by the public will not be allowed consistent with current management of the parcel and consideration of the proximity of the property to the Axolotl Lakes Wilderness Study Area. Motorized access will be

provided to the holder of valid water rights for use and maintenance of those rights. However, no additional easement acquisition or road construction is necessary to provide for administrative or public use of the property under the management constraints proposed. Any routes used for administrative access could be maintained to the existing minimal standard only, if maintenance is warranted. Right-of-way proposals would only be authorized along the county road corridor, and could not impact the scenic quality of the area. Other special land use applications would generally not be authorized.

Recreational fishing and other non-motorized uses (hiking, canoeing, dispersed camping, etc.) will continue to be allowed. Snowmobiling would be allowed between December 1<sup>st</sup> and May 15<sup>th</sup>, the same period as on current BLM lands adjacent to the acquisition parcel. New special recreation permits for outfitters will not be issued until completion of a Resource Management Plan for the Dillon Field Office which will establish where and under what conditions such permits would or would not be granted.

No permanent grazing allocation is anticipated for the lands acquired under this action. Weed management would be coordinated through the existing program with Madison County. Any future vegetation management, including hazardous fuels reduction, will be addressed in the RMP.

No recreation facility development is anticipated. Activities would focus on maintenance of the cabin and associated systems as an administrative site. These include a small cabin and water systems. Any facilities considered in the future would require additional planning and public involvement. However, the intent of management to maintain the character of the property would be foremost when evaluating the construction or placement of additional facilities. Limited signing may be needed to inform the public of uses appropriate to protect and maintain the resource values on the property, and some interpretive potential exists.

These lands are also proposed to be withdrawn from operation of the public land laws and the mining law. Consequences of this action are addressed below under the Environmental Consequences section. This would only affect two-thirds of the mineral estate on the parcel, as the other third is owned by another party. Acquisition of the remaining third of the mineral estate may be attempted at a later date if there is a willing seller and funding is available.

## **AFFECTED ENVIRONMENT**

## **AND ENVIRONMENTAL CONSEQUENCES**

### **GENERAL DESCRIPTION OF THE AXOLOTL LAKES PROPERTY**

The Axolotl Lakes property lies on the northern edge of the Greenhorn Mountains within the larger Gravelly Landscape at an elevation of roughly 6900 feet. The area is approximately ten miles southwest of Ennis, Montana, and can be reached via unpaved roads traveling to the west from the Varney Road or to the south from State Highway 287 off of Virginia City Hill. The road from the west is a Madison County Road; the road from the north is a BLM-administered road which is open for public travel, but not plowed in the winter.

The Axolotl Lakes property is adjacent to the BLM's Axolotl Lakes Wilderness Study Area. The property contains a portion of Reservoir Lake which is part of the named Axolotl Lakes complex; and there are several other unnamed small lakes and potholes on the property. As a result, riparian and wetland areas are interspersed throughout the property. The lakes are populated with rainbow and Yellowstone cutthroat trout. In addition, fluvial Arctic grayling are reared in the Upper Twin Lake which is accessed through this property, providing brood stock for the reintroduction and recovery of the grayling through a cooperative effort headed by FWP. The land is characterized by lush meadows interspersed with rolling foothills, rocky ledges and outcrops, and pockets of timber. A great diversity of wildlife exists in the area including elk, deer, moose, bald and golden eagles, nesting osprey, and many other species. A small cabin is located in the northwest corner of the property. This cabin is used seasonally; it does not have electricity or phone, though it does have a spring water supply system and approved septic. The tract provides magnificent scenic beauty to its visitors; the entire Madison Range and valley is visible from the heights of the property.

### **GENERAL DESCRIPTION OF THE BLM PARCELS**

Most of the Federal parcels included in this exchange are small in size, difficult to access, or are isolated from other public lands, making them difficult to manage and of limited value to the public. The Federal land parcels range in size from a few acres to several hundred acres. Of the 52 parcels, only eight have legal public access. There are no known instances of use, storage, or disposal of hazardous materials on the Federal lands. In addition, the Federal land does not generally contain high recreation and public use values given the scattered nature of most of the tracts. None of the parcels are known to contain significant wildlife habitat critical to threatened or endangered species.

### **GENERAL ENVIRONMENTAL CONSEQUENCES**

For ease in reference, the affected environment and environmental consequences are presented together by resource value or concern. A brief description of the resource or value is followed by the anticipated consequences of the Proposed Action and

Alternatives, as well as the consequences of withdrawal of the Axolotl Lakes area from entry under the public land and mining laws.

The following critical elements of the human environment will not be affected by this action or alternatives and are not addressed further:

- Air Quality
- Areas of Critical Environmental Concern
- Environmental Justice (Minority or Low-Income Populations)
- Prime and Unique Farmlands
- Floodplains
- Native American Religious Concerns
- Solid or Hazardous Wastes
- Water Quality
- Wild and Scenic Rivers
- Wilderness

Remaining critical elements of Cultural Resources, Threatened or Endangered Species, and Wetland/Riparian Zones are addressed below along with other resource values and concerns. Table 2 identifies the presence or absence of resource or administrative values by parcel number.

In general, implementation of any of the alternatives except the No Action alternative would result in the acquisition of private lands which have outstanding resource and recreation value. Land presently in public ownership would be transferred out of the public domain via exchange as a result of the Proposed Action or Alternative 2. Since many of the tracts considered in the exchange are small and/or isolated without public access, the transfer of many of the parcels would remove small and/or isolated parcels from BLM's land ownership pattern and thereby allow for more efficient management in most instances. In addition, most of the parcels exhibit lower resource values than those present on the private lands proposed for acquisition.

## **WILDLIFE VALUES**

### **PRIVATE LANDS**

Overall, the private lands to be acquired have very high values for wildlife. A great diversity of wildlife exists in the area. Elk, deer, moose, bald and golden eagles, nesting osprey, and many other species utilize the property. Riparian and wetland areas are interspersed throughout the property and provide habitat to numerous birds and small mammals. The lakes provide an edge effect and variations in vegetation, important elements in wildlife habitat.

The acquisition of the Axolotl Lakes property under any of the action alternatives will have a positive effect on wildlife as the area is an important winter range. BLM ownership would preclude homesite or other incompatible development. Under the No

Action alternative, wildlife could be negatively impacted if development were to occur for recreational homesite development. Withdrawal of the property would be beneficial to wildlife in general, ensuring retention of the land over the long-term and lessening the opportunity for development incompatible with important habitat values.

#### **BLM LANDS**

Seasonal habitat for mule deer, elk and/or antelope is present on most of the BLM parcels. These parcels are part of much larger habitat use areas, and wildlife numbers are not dependent on any individual parcel for survival. While substantial winter mule deer use occurs on some parcels, all parcels of BLM land are considered to have only low to moderate value for wildlife. Elk utilize Parcels 508, 509 and 510 for winter range purposes.

An active sage grouse lek is present adjacent to the southwest corner of Parcel 451 in the Sweetwater Basin. Limited roosting probably occurs on the tract during the spring, similar to use of the surrounding suitable habitat. Sagebrush habitat is present on many of the other parcels of public land proposed for exchange, but none are known to provide preferred seasonal habitat for sage grouse.

The exchange of most isolated parcels into private ownership is not expected to have a detrimental impact on wildlife habitat. Current management of these tracts will most likely remain the same. The exceptions would be those parcels with legal public road access and those parcels with merchantable timber. Parcels 99, 236, part of 362, 451, 520, 522, 524 and 536 have legal road access and could be developed after transfer out of Federal ownership. Parcels 15B, 229, 250, 266, 298, 361, 470, 509, 523, and 531 are partially timbered and provide habitat for elk and deer.

If management does change on any of the BLM parcels in such a way as to alter vegetation communities or intensity of human disturbance, some species of wildlife may be displaced into adjoining habitat. This impact would be minor since most parcels have suitable adjoining habitat and none of the proposed exchange tracts provide critical habitat for any wildlife species. However, the cumulative effects of this potential habitat loss coupled with loss of habitats from other private activities could result in reduction or displacement of wintering mule deer and elk populations, or displacement of sage grouse from their lek on Parcel 451. This would be dependent upon the nature and concentration of any development.

#### **FISHERIES**

##### **PRIVATE LANDS**

Arctic grayling, rainbow trout, and Yellowstone cutthroat trout abound in the lakes on the Axolotl property. One of the lakes lying on property adjacent to the private property

is used as a brood pond to raise fluvial Arctic Grayling for the Montana Fluvial Arctic Grayling Recovery Program. Access to this brood pond is through the property under acquisition.

Acquisition by any of the action alternatives would be beneficial to fisheries and fish habitat, especially with development of a Cooperative Agreement between BLM and FW&P. If the property is not acquired, it is likely the tract will be developed for rural recreational homesite or subdivision purposes and the use of the brood pond and public fishing in the lakes would no longer be allowed. If access to the brood pond is no longer available, the Arctic Grayling Recovery Program would be adversely affected and the subsequent result may be the listing of the Montana Fluvial Arctic Grayling under the Endangered Species Act. Withdrawal of the property would be beneficial to fishery resource and habitat in general, ensuring retention of the land over the long-term and lessening the opportunity for development incompatible with important habitat values.

#### BLM LANDS

Most of the BLM parcels do not contain fishery values, as most do not have water resources. Four parcels, Parcel 470, 509, 522 and 529, contain streams with fishery values. None of the remaining BLM parcels have streams with a fishery resource on them.

Certain tracts of Parcel 470 contain about one half to three quarters of a mile of Sweetwater Creek and the South Fork of Sweetwater Creek. There is a trout fishery in these creeks. However, only the upper reaches cross BLM land and often the extreme upper reaches flow on an intermittent basis, depending on the amount of moisture received. Purity of the cutthroat trout in the stream is slightly hybridized.

Parcel 509 contains ¼ mile of Wolf Creek, a perennial stream that flows through public land. Wolf Creek is a twelve mile long drainage originating in the Lee Metcalf Wilderness Area. Wolf Creek contains viable populations of rainbow trout, brown trout and rainbow-cutthroat trout hybrids based on a March 2000 fish survey report. The creek was stocked in 1946 and 1948 with brown and rainbow trout, respectively. Wolf Creek has been identified as a possible reintroduction site for westslope cutthroat trout, and the Sun Ranch, private landowner in this area, has been involved with FWP in a cooperative effort to develop a brood pond and hatchery in this vicinity.

Bloody Dick Creek cuts across a portion of Parcel 522. Bloody Dick Creek contains viable populations of brook, rainbow and brown trout and provides popular local recreational fishing.

Parcel 529 is traversed by a short segment (100 yards or less) of the Red Rock River. This reach, located to the east of Lima Reservoir, is sediment laden and provides a limited fishery.

Exchange of Parcels 522 and 529 would have little impact on fishery resource values since management is not expected to change. Parcels 470 and 509, however, both have merchantable timber resources. Logging of those tracts which have merchantable timber and perennial streams could impact fisheries through sedimentation and consequent reduction in water quality. However, Best Management Practice requirements of the State of Montana relative to logging have been designed to protect water quality, riparian zones, and fisheries and alleviate impacts of logging. The exchange of Parcel 522 would move public fishing access to Bloody Dick Creek approximately four (4) miles upstream. The extent of use of this access point is unknown. The exchange of Parcel 509 could impact cooperative fishery efforts between the Sun Ranch and FWP in westslope cutthroat trout conservation if conveyance from Federal ownership resulted in ownership by a party uninterested in these conservation efforts.

## **THREATENED AND ENDANGERED SPECIES**

### **PRIVATE LANDS**

No threatened or endangered species are known to utilize the private property. The Axolotl property is immediately adjacent to potential Canada lynx habitat and may receive occasional use by lynx. Likewise, grizzly bear and grey wolf have been observed in the vicinity of Axolotl Lakes and occasional use could be expected, particularly during winter and early spring.

The acquisition of the Axolotl Lakes property will be also be beneficial to the Montana Fluvial Arctic Grayling Recovery project in preventing listing of that species under the Endangered Species Act. If the tract is not acquired through one of the alternatives, it could be developed for rural subdivision purposes and the access to the brood pond may not be allowed.

### **BLM LANDS**

Some of the parcels which are located in the Madison River Corridor are used for dispersed foraging by bald eagles, both seasonally and yearlong. Wolf activity has been historically documented in the upper Madison River Valley but has not been tied to any specific BLM land tracts. A wolf pack has become established and dened in 2000 on the Wall Creek Game Range, and another pack is suspected in the Madison Range. This increases the possibility of occasional wolf use of BLM parcels in the upper Madison Valley, particularly Parcels 445, 446, 508, 509, 510 and 526. Parcel 250 contains potential Canada lynx habitat

A review of the Montana Natural Heritage Program's "Species of Special Concern" database does not list any species on the BLM parcels being considered for exchange.

Implementation of any of the action alternatives (and thus exchange of BLM parcels from Federal ownership under the Proposed Action or Alternative 2) is not expected to impact any threatened and endangered species of plants or animals.

## **RECREATION**

### **PRIVATE LANDS**

The public has been allowed to utilize the Axolotl Lakes property for fishing and recreational purposes for many years under a limited landowner consent program. The public gains access to the property via a county road. Sport fishing in the lakes is a very popular recreational activity associated with the property. The beautiful scenery on the tract as well as the surrounding area provides a magnificent backdrop for hiking and picnicking. The property is adjacent to the Axolotl Lakes Wilderness Study Area and this acquisition would be important to protect the integrity of that WSA.

If the property is not acquired under any of the action alternatives it would likely be developed for subdivision purposes and public recreational use likely will no longer be allowed. Landowner and recreationist conflicts would persist since past practice was to allow non-motorized access and recreational pursuits. Implementation of any of the action alternatives may encourage additional recreational use to an extent, but the increase is not expected to be significant in light of the past use that has occurred under prior consent.

Withdrawal of the property would be beneficial to recreation values in general, ensuring retention of the land over the long-term and lessening the opportunity for development incompatible with important recreation and scenic values.

### **BLM LANDS**

The BLM parcels are mostly small, isolated or scattered tracts. Of the BLM parcels being considered for exchange, eight of the parcels have legal public road access to them (Parcels 99, 236, part of 362, 451, 520, 522, 524, and 536). Nineteen of the parcels are adjacent to Forest Service, State Lands, and or other BLM land (Parcels 127, 229, 266, 304, 336, 340, 355B, 361, 378, 433, 446, a portion of 470, 475, 509, 517, 524, 525, 526 and 532). Both of these considerations result in potential recreational use of these parcels as compared to other parcels without these characteristics. Use would usually include hunting and hiking, with dispersed camping in some instances. However, recreational value of most of the parcels tend to be quite low given the lack of water and size constraints. A few parcels, such as Parcel 509, which borders Forest Service and State land, are legally accessible by foot or horseback from those adjacent lands. However in most cases it is difficult to access and utilize the BLM parcels without trespassing on adjacent private land due to the small size of the tracts, the steepness of the terrain, and the lack of identifiable boundaries.

Due to the lack of legal public road access to most of the BLM parcels and the small and scattered nature of many, recreational value of the BLM lands in this exchange is limited. While it is likely some of the BLM parcels are used for hiking, hunting and other activities, this use is difficult where property boundaries are not defined. As a result, there is expected to be very little overall impact to recreation if the BLM parcels are



conveyed out of Federal ownership. Impacts would most likely be to individual sportsmen or recreationists who use a particular parcel for a favorite activity,

## **CULTURAL RESOURCES**

### **PRIVATE LAND**

While no formal inventory has been conducted on the Axolotl Lakes property, the vicinity is known to contain cultural and historic values such as prehistoric occupation sites and special use sites.

The acquisition of the private land will have an unknown effect on cultural resources since their presence is not documented. Placing the property into Federal ownership would afford protection to any cultural resource or traditional cultural values that may exist on the tract.

Withdrawal of the property would be beneficial to the management of unknown cultural resource values, ensuring retention and lessening the opportunity for incompatible development.

### **BLM LAND**

A Class III intensive cultural inventory has been conducted for all 52 BLM parcels included in the land exchange pool. Consultation with the State Historic Preservation Office has been completed on all parcels except for Parcels 336, 355A, 358 and 538. These four parcels require additional work to determine eligibility of identified archaeological sites. If additional evaluation, consultation and mitigation cannot be accomplished, the parcels will be dropped from further consideration for exchange. Based on this approach, there should be no effect to cultural resources under the Preferred Alternative and Alternative 2. Alternative 1 and the No Action alternative would not result in a change in public land ownership, and no effect would result from implementation of these alternatives either.

## **FOREST AND TIMBER RESOURCES**

### **PRIVATE LANDS**

The Axolotl Lakes property contains timber resources interspersed between grassy meadows and the lake and wetland areas. Limited timber harvest and thinning occurred on the property in the mid-1990s. Implementation of the Proposed Action or other acquisition alternatives would result in management of the parcel by BLM. Any additional timber management on the parcel by BLM will focus on the health of the land in the specific vicinity and fuel reduction considerations to be delineated in the Dillon

Resource Management Plan. If impacts to riparian and wetland complexes and fishery values cannot be avoided, timber management activities would not be approved.

Withdrawal of the property will not result in effects to forest and timber resources.

#### BLM LANDS

Ten of the 52 parcels have merchantable timber on them. These include parcels 15B, 229, 250, 266, 298, 361, 470, 509, 523 and 531. The merchantable timber is mainly of Douglas Fir and some Lodgepole Pine. The value of that timber will be considered in the appraisal completed for those parcels. The acreage of each timbered parcel, approximate acreage commercial forest land, and the net volume of board feet for each parcel is provided in Table 3.

TABLE 3			
Parcel No.	Acreage of Parcel	Acreage of Commercial Forest Land	Net Volume of Timber (board feet)
15B	40	9	34,155
229	40	28	289,250
250	40	8	70,432
266	280	88	900,333
298	360	56	212,520
361	80 (Sec. 10)	11	46,343
470	40 (Sec. 21)	26	289,510
	320 (Sec. 22)	154	1,226,251
	320 (Sec. 26)	145	1,095,794
	120 (Sec. 27)	34	596,390
509	120	40	290,040
523	80	8	101,040
531	120	74	712,990

Harvesting of timber on any of these parcels with merchantable timber will likely occur after conveyance into private ownership. The method of harvesting and amount of

timber harvested could have an effect on wildlife habitat and water quality in that immediate area. However, Best Management Practices would be required by State of Montana provisions. The harvesting of commercial timber could also have a beneficial effect on the local and regional economy.

If the BLM parcels were to remain in Federal ownership with implementation of either Alternative 1 or the No Action alternative, timber harvest could also occur in on these parcels in the future as a result of BLM management. Harvest activities would be dependent upon goals and objectives for management of those particular public lands. For instance, Parcel 470 lies within a transitional mountain-foothills zone in the Gravelly's landscape. The Gravelly Landscape Analysis recommends that harvesting of timber on federal lands in this zone be limited or restricted. This is due to the timber harvesting on private land in this ecosystem type which reduced timber stands, thereby elevating the importance of stands in this ecosystem type still existing on public lands.

If Parcel 470 is used as part of this exchange, it will likely be harvested. The harvesting of timber on parcel 470 would result in a temporary loss to the ecosystem type identified in the Gravelly Landscape Analysis. However, subdivision development on the Axolotl Lakes property would result in long term irrevocable impacts to critical and outstanding resources on those lands.

## **WATER RESOURCES**

### **PRIVATE LANDS**

The Axolotl Lakes property has many small mountain lakes located on it. Some of the lakes are fed by Moran Creek while others are fed by a combination of small mountain streams, seeps, and springs. There are approximately 1.5 to 2 miles of perennial stream and about 25 acres of lakes on the property which would be transferred to BLM under any of the action alternatives.

The acquisition of the Axolotl Lakes property under any of the action alternatives will place considerable wetland and riparian resources in the public sector. These alternatives, however, will not affect any of the water rights presently held by a third party or access to those rights. The acquisition will assure that commercial development for subdivision or recreational homesites will not occur and this will be beneficial for hydrologic resources in general. Proposed management of the tract would limit development by BLM to retain the scenic characteristics of the property, thus benefitting the preservation of hydrologic resources.

Withdrawal of the Axolotl Lakes property from operation of the public land laws and mining law would ensure retention of significant water resources on the tract and lessen the potential for inappropriate mineral exploration or development and insure the long-term integrity of the water resources. This is especially critical given that acquisition of the wetland and riparian areas and associated fishery values is a driving force in all the action alternatives.

## **BLM LANDS**

The water resources located on the BLM parcels are very limited. Several parcels contain short segments of first order intermittent streams or ephemeral gulches. Some parcels contain short segments of second order perennial streams. However, most BLM parcels have no surface water resources on them. Table 2 identifies what parcels contain perennial streams.

It is expected that the management or use of all of the BLM parcels except those with legal public road access and those with merchantable timber will remain the same. As a result there will not be impacts relative to water resources resulting from the exchange of those parcels. If the eight parcels with legal public road access are developed for recreational homesite use after being conveyed out of Federal ownership, there could be cumulative impacts resulting from extensive soil disturbance resulting in sedimentation and possible effluent from septic systems, reducing water quality on adjacent ownerships. If those parcels with commercial timber on them are logged, water resources could be impacted as a result of subsequent erosion due to disturbance and removal of vegetation. The requirements in the State of Montana's Best Management Practices would help to alleviate some of those effects.

## **GEOLOGY AND MINERALS**

### **PRIVATE LAND**

The majority of the Axolotl Lakes property is covered by felsic tuff, though the northern portion of the property exhibits small outcrops of sedimentary rocks ranging in age from Precambrian marble to Jurassic shales and thin-layered limestones. These lands are rated low for both the occurrence and development of locatable, leaseable and saleable minerals.

All of the available minerals on the private lands will be acquired with implementation of any of the action alternatives. However, a review of the title of the non-Federal lands indicates that a one-third interest in the mineral estate will not transfer to the BLM as part of the exchange as that portion of the estate has been severed. Taking title to the non-Federal lands without one hundred percent (100%) ownership of the mineral estate is acceptable to the BLM as the potential for mineralization and development of this estate appears to be low given that no development has occurred to date.

Implementation of the No Action alternative would maintain the status quo. While mineral exploration and development could occur, it is unlikely based on lack of past interest. Implementation of any of the action alternatives would result in the proposed withdrawal of the Axolotl Lakes property from operation of the public land laws, including the mining law. Withdrawal of the property, however, will not apply to the remainder 1/3 private mineral interest which will not be transferred to BLM under any of the action alternatives. The remaining 2/3rd of the mineral estate would no longer be available for mineral exploration and development. However, the impact of the withdrawal would be negligible given the lack of past activity.

## **BLM LAND**

Mineral assessments have been completed on all parcels, though the reporting information was not available for six of the BLM parcels in the pool. Mineral reports were completed for the Dillon Land Adjustment Project (BLM 1999), the Storey/Kobayashi Land Exchange (BLM 1996), and the First Continental Exchange (BLM 1984). An Environmental Assessment analyzing the Wirth Land Exchange was completed in 1984 and included discussion of the six parcels with unavailable mineral information. These six parcels will be reviewed for mineral occurrence and development potential prior to implementation of any exchange alternative. Table 2 summarizes the findings based on this information.

Parcels were evaluated for both occurrence potential and development potential for locatable, saleable and leasable minerals. Seven of the 52 parcels have high potential for mineral occurrence; of these, one has moderate potential for development and the remainder are rated low. Twelve (12) of the 52 parcels have moderate potential for mineral occurrence; of these, three have moderate development potential and nine are rated low. None of the parcels has high potential for development, especially given the small size of most of the parcels and the lack of legal access.

Based on these evaluations, mineral values do not preclude the exchange of any of the parcels. However, two parcels within the exchange pool have active mining claims. These are Parcels 525 and 534. TCF will work with the claimants as designees on relinquishment of these claims. If the claims are not relinquished, the parcel cannot be conveyed out of Federal ownership.

Under the Proposed Action and Alternative 2, the mineral estate underlying any of the BLM parcels used in the exchange will be conveyed along with the surface estate. Effects of this conveyance would be minor. Mineral exploration and development will likely continue where claims currently exist once the land is conveyed; it is not anticipated that additional exploration or development would occur on any of the other parcels with moderate or high potential ratings given the market conditions, terrain considerations, and access. Under Alternative 1 and the No Action alternative, conveyance of Federal land would not occur and would thus not affect geologic or mineral values, exploration or development activities.

## **ACCESS**

### **PRIVATE LAND**

The Axolotl Lakes parcel has legal public road access via a county road. The County Road accesses the Axolotl Lakes property from the east and there is a BLM public road easement which provides access to the property from Highway 287 from the north. There is also a county road which provides access from Virginia City easterly to the property, but this road is in poor condition and not maintained for vehicular traffic. The BLM road easement to the north crosses parcel 536. If that parcel is used in the exchange, the patent would be issued subject to the BLM road easement to retain this

access. The property is also adjacent to other public lands and the Axolotl Lakes Wilderness Study Area. Acquisition would provide blocked physical and legal access to those adjacent public lands and the WSA.

It is probable that recreational opportunities, including walk-in access to several mountain lakes, will be lost should the property remain in private ownership as a result of the No Action alternative. The acquisition of the Axolotl Lakes property under any of the action alternatives insures continued public use for fishermen, floaters, hunters, and general recreational use. The acquisition of the private property will block and consolidate BLM lands in the vicinity. Implementation of the exchange, acquisition or combination alternatives all provide very significant long term key public access. This access will not be available if the action is not completed.

Withdrawal of the land from the public land laws and mining law will not affect access to the property for the uses which have occurred in the past or future. Withdrawal from the public land laws will ensure that conveyance of the Axolotl Lakes out of Federal ownership would not be an option unless the withdrawal were revoked, thus protecting the long-term intent of management of the tract for the significant riparian and wetland values.

#### BLM LAND

It is proposed to acquire two permanent exclusive road easements in conjunction with the exchange of two specific BLM parcels. As a condition of exchange of Parcel 529, a permanent exclusive road easement for a short segment of the Sandy Hollow Road will be acquired in section 35, T4S, R8W. This easement would guarantee access to over an estimated 10,000 acres of public land that lies between the Big Hole River and McCartney Mountain on the southern fringe of the McCartney Range. As a condition of exchange of Parcel 525, a permanent exclusive road easement would be acquired on a short segment of road in section 35, T5S, R3W. This road would access about 800 acres of public land on either side of the East Fork of Granite Creek and Dulea Creek. Implementation of either the Proposed Action or Alternative 2 would result in acquisition of these easements. Implementation of Alternative 1 and the No Action alternative would preclude this opportunity.

Only eight of the BLM parcels in the exchange pool have legal public road access. Parcels 99, 236, 362, 451 and 522 have county roads through them. Parcels 520 and 524 have highway and/or highway frontage roads through them. A BLM permanent exclusive road easement crosses through Parcel 536 and provides public access but has limitations due to weather and season of year because the road is not graveled nor is it plowed in the winter. All legal access roads of record would be reserved in the patents for any BLM parcel conveyed which may have such roads located on them.

While not encumbered by a formal stock driveway withdrawal, cattle have historically been trailed across Parcel 536. Conveyance of this parcel would limit trailing to the existing roadway unless permission was granted from the new owner.

Several BLM parcels, which do not have public road access, have access by virtue of being located adjacent to Forest Service, State, or other BLM lands which affords legal physical access. This includes parcels 127, 229, 266, 304, 336, 340, 361, 378, 433, 446, a portion of 470, 475, 508, 509, 517, 524, 526, and 532. Concerns related to this adjacent landownership for some parcels were identified as a result of the open houses held by BLM in 1998. Specific parcels addressed as a result of public involvement throughout the exchange are discussed below.

- Parcel 250---This parcel is adjacent to National Forest land, but there is no legal public road or trail access to the parcel. There are no public access easements across the private land to the north or west and the adjacent National Forest lands to the east and south are closed yearlong to all vehicular travel in that entire area. The general public cannot legally get to that BLM tract unless they are willing to walk or ride horseback on National Forest land across rugged mountainous terrain to the BLM tract. This is not likely to happen because most recreational use occurs where there is legal and easy access to the National Forest land. However, the use of this parcel for exchange purposes will allow for the acquisition of land which can be legally and easily accessed by the general public and additionally, the lands to be acquired have much higher resource values, such as wildlife habitat, fisheries, riparian, wetlands, etc.
- Parcel 266---The exchange of this parcel was identified as a concern because it is adjacent to other public lands. The parcel is contiguous with BLM land on the west and with State land to the north. Private lands are adjacent to the south and east of the parcel. There is no legal public road access to the BLM parcel, however, a county road does cross the State land to the north, affording an opportunity for non-motorized use. The parcel is  $\frac{1}{4}$  mile wide on the east, and  $\frac{1}{2}$  mile wide on the west side. Determining public versus private land boundaries to ensure trespass onto private land to the south and east is not occurring is difficult given the configuration of the parcel.
- Parcel 470---The disposal of that portion of this parcel which is in sections 23 and 26 was identified as a concern because it is adjacent to other BLM land. However, this tract is not accessible to the general public by vehicle from the Sweetwater County Road, which is located north of the tract, without trespassing on private land. Also due to the rugged terrain in that area, an individual would have to walk or ride a horse from other public land which is located to the south. This would allow for only limited hunting or recreational use on that tract, because the tract is only one-half mile wide in an east-west direction. Also the drainages in that area run in a northeast-southwest direction. This makes for difficult travel on the tract if one intends to stay within the property boundaries because one would have to traverse the tract at an almost ninety degree angle relative to the direction of the drainages. This would make walking very difficult. On-the-ground boundaries are not marked and consequently, it is very likely that anyone who chooses to utilize that BLM tract and does not have permission from

adjacent landowners, would end up trespassing on private land. Private landowners in that area have had numerous problems with trespass on their land. Most importantly, the use of this parcel for exchange purposes will allow for the acquisition of other lands which have legal public road access, very high resource values, and provide access to other adjacent public land.

- Parcel 509---This parcel is adjacent to National Forest land on the north and to State lands on the east. There are no public access easements across the private land which lies to the south and west, and the adjacent National Forest lands are closed yearlong to all vehicular travel in that entire area. The general public cannot legally get to Parcel 509 unless they are willing to hike or ride horseback across rugged mountainous terrain. There is a trail crossing Forest and State lands to the east, but a 40 acre parcel of private land lies between this trail and the parcel. However, public comments have indicated a few individuals avoid this private land by leaving the trail and going north to the BLM, then drop back to the south to camp by Wolf Creek, which crosses about ¼ mile of the BLM. Because of the configuration of this parcel, care must be taken not to trespass on private property to the south and west of the parcel. The use of this parcel for exchange purposes will allow for the acquisition of land which can be legally and easily accessed by the general public.
- Parcel 525---This parcel is being considered for exchange to resolve a long-standing trespass situation. As a condition of exchange of this parcel, a permanent exclusive road easement will be acquired on a two-track road which would provide public access to other public lands in section 26, T5S, R3W. The resource values for fisheries and riparian and wetland resources are much higher on the lands to be acquired than the values on this parcel.
- Parcel 529---This parcel does not have legal public road access to it. There is a "two track" road which does provide access from a nearby county road across private land, but according to Montana law, it is not available for public use without permission from the affected private landowner. Also the private landowner could at any time lock the gate which provides access to the "two-track" road. Additionally, as was stated at the open houses, this parcel would not only be utilized to acquire other land which has legal public road access and high resource values, but also to acquire a permanent exclusive easement on a short stretch of the Sandy Hollow Road in section 35, T4S, R8W from the Burma Road (county road) north to a large block of public land in T4S, R8W. Again, acquiring land with high resource values which has legal public road access as well as acquiring other road easements for additional public access to other public land is a primary objective of BLM.
- Parcel 532---This parcel is adjacent to State-owned land, but it does not have a legal public road access to it. The two-track road which goes through this parcel is not a legal public road across adjacent private or State land. It is a violation to



cross the State land by vehicle on that road for recreational purposes because it is not designated as "open" for public recreational use on the current Interagency Travel Map for Southwest Montana. There is a legal public access road which crosses other adjacent State land about two miles west of parcel 532. In order to access Parcel 532 from that road, one would have to walk or ride a horse two miles across country.

Even though these parcels have legal access from other public lands, it is difficult in most cases to legally access those parcels due to distance, terrain, and/or lack of identifiable on-the-ground property lines. In summary the use of these parcels by the public is very limited due to their remoteness, lack of easy access to them, difficulty in determining specific boundary lines on-the-ground, and/or the low resource values on many of the parcels. In addition, use of these types of parcels also result in trespass problems and complaints. The retention of these BLM parcels provides for the continuation of these sorts of problems.

Implementation of the Proposed Action or Alternative 2 would result in changes in access to public land. Benefits would be in the acquisition of two formal permanent exclusive road easements and continued use of the Axolotl Lakes property for recreational use and fishing. Limited access would be lost as a result of exchange of parcels adjacent to other public lands. Management problems on these tracts, however, will continue if Alternative 1 or the No Action alternative is implemented.

## **VEGETATION AND WEEDS**

### **PRIVATE LAND**

The Axolotl property exhibits wet meadow areas interspersed between the riparian and wetland areas along with pockets of timber at higher elevations on the parcel. The property has been leased in the past for grazing by cattle.

Acquisition of the property would protect rangeland and vegetative resources from development that could occur as a result of subdivision or recreational homesite use. Administration of the property by the BLM will also require additional resources to ensure weed control across the property in the event of infestations. If the property were not acquired by exchange or the other action alternatives, vegetative and range resources would either remain static, or could decline, if surface disturbance or development resulted in removal of vegetation. Withdrawal of the property from operation of the public land laws, including the mining law, would protect vegetative resources by lessening the possibility of mineral exploration and development on the parcel.

### **BLM LANDS**

The BLM tracts identified for exchange contain a variety of ecological sites with production varying according to site potential. The majority of the sites support a mix of native grasses, shrubs, and forbs in mid-seral ecological status. Isolated pockets of

knapweed occur on some parcels, especially those which have legal public road access. Several of the parcels have commercial timber on them which consist mainly of Douglas Fir and Lodgepole Pine. Other vegetation is similar to that on unforested parcels except there is more grass and other alpine vegetation.

Negative or positive impacts to rangeland and vegetative resources are not expected as a result of conveyance of BLM parcels for those parcels without legal road access or merchantable timber. The future use of parcels without legal road access or commercial timber is expected to remain the same with the parcels utilized mainly for livestock grazing and wildlife habitat. Those parcels with legal public road access to them could be developed for residential purposes. If such development did occur, it could result in a change in vegetation and introduction of other species, including noxious and invasive species. Some of the BLM parcels which have commercial timber on them could be logged and as a result increase the amount of forb-grassland vegetation. However, over time, timber resources would re-establish.

## **USE AUTHORIZATIONS AND ENCUMBRANCES**

### Private Lands

The private lands in the exchange will be conveyed to BLM at closing via a warranty deed, using the descriptions from Table 1. The property would be taken subject to the County Road which runs through the northern portion of the property. There is also a 10' utility easement on all lot lines of Tract C. A water right is filed by a third party on the Axolotl and Twin Lakes for 170 miners inches of water. The lakes cannot be drawn below their natural level, but man-made gates raise the level approximately 1-2 feet, and that water is appropriated as confirmed by the Department of Natural Resources and Conservation. An irrigation ditch also encumbers the property. Maintenance of existing structures is the responsibility of the holder of the water rights. One-third of the mineral estate will not transfer with conveyance of the Axolotl Lakes property. Other encumbrances include a Right to Farm declaration filed in 1995 and a now-expired grazing lease.

Implementation of any of the action alternatives would not effect these rights. The No Action alternative would not affect these rights either. Withdrawal of the property from the public land laws, including the mining law, will not have any effect on these uses and encumbrances.

### BLM Lands

Appendix 3 denotes whether encumbrances such as right-of-ways are known to exist on a parcel, with a brief description of the use. Existing rights-of-way of record on the Federal lands will be converted to easements at the time of closing. Federal rights will be reserved in the patents, and patents will be taken subject to County roads and easements held by the United States. There are no known encumbrances that will preclude title transfer.

All of the BLM parcels are leased or permitted for livestock grazing, except parcels 250, 422, and 537. All of the grazing notifications have been issued. Most of the parcels being grazed are fenced in with other private property where livestock grazing occurs. Exchanging parcels of BLM land out of federal ownership under the Proposed Action or Alternative 2 would eliminate some custodial grazing allotments. This would occur as a result of conveyance of Parcels 99, 236, 262, 297, 304, 362, 376, 445, 446, 475, 509, 510, and 538. This would improve efficiency in regard to grazing allotment administration. Implementation of the No Action or Alternative 1 would not result in any management efficiencies.

## **SOCIAL VALUES**

### **PRIVATE LANDS**

The Axolotl Lakes property is valued for its scenic and recreational values, and the fact that these values have been shared with the public under the landowner's consent for a number of years. The recent trend of large agricultural properties purchased by landowners which then deny access has brought a renewed value to lands which are available to the general public for open space and casual recreational use.

Implementation of any of the action alternatives would retain the same level of access currently afforded by the private owner. Withdrawal of the property from operation of the public land laws, including the mining law, will serve to retain the values in public ownership. Implementation of the No Action alternative would likely result in a change in access to the property, affecting values important to society, especially local populations.

### **BLM LANDS**

Public lands are valued in Beaverhead and Madison County both for commodity uses such as grazing, mining, logging and recreation and for general public recreational use, especially hunting and dispersed camping and hiking. In the more recent past, BLM land has become valued as open space by residents moving into the public land interface.

Under the Proposed Action or Alternative 2, the public would acquire a high quality scenic and recreational lands in exchange for the loss of other parcels of public land with less outstanding resources. Implementation of Alternative 1 would not effect social values held in Beaverhead or Madison County since no Federal lands would be conveyed under this alternative. However, there would be an increase in public land in Madison County under Alternative 1, though residents of both counties would benefit from enjoyment of additional public land. The No Action Alternative would not change the current status quo in relation to BLM lands.

## **ECONOMIC VALUES**

### **PRIVATE LANDS**

The private property is currently classified as agricultural grazing land and taxes for that land have been paid according to that classification. Once the exchange is completed and the land is in Federal ownership, taxes will no longer be paid on the property. Under proposed management, grazing would not be authorized on the parcel on an annual, continuing basis and therefore fees would not be collected by the BLM either. However, it is expected that much more BLM land will be conveyed into private ownership than will be acquired by BLM under either of the exchange alternatives, resulting in a net gain of tax revenue for both Madison and Beaverhead Counties.

To date, no mineral exploration or production has been known to occur on the Axolotl Lakes tract. Potential for mineral value on the tract is low as identified in the Mineral Report completed for this exchange. Thus, withdrawal of the Axolotl Lakes property from operation of the public land and mining laws will have little economic impact on the mining industry.

#### BLM LANDS

Public lands are valued in Beaverhead and Madison County for the economic value they add to grazing, mining, logging and recreation operations. Use of these lands by the general public for recreational pursuits also provides a stimulus to local communities in proximity to public lands. Taxes are not paid on Federal lands; instead the counties receive a Payment-in-lieu-of-taxes (PILT) for Federal lands located within their jurisdiction. PILT payments to Beaverhead and Madison Counties will not be affected by the Proposed Action or Alternative 2, even though BLM acres are being conveyed into private ownership. This is primarily due to the emphasis placed on low population densities in the PILT computation formula. Even though there is a large amount of federally-owned land in each county, the low population densities limit the PILT payment for each county and the disposal of the BLM parcels being addressed in this EA would not affect this payment in either Beaverhead or Madison County.

Implementation of Alternative 1 would not affect PILT payments.

Parcels in both Beaverhead and Madison County will be used in the exchange. It is expected that much of the BLM land conveyed into private ownership as part of the exchange will be classified as agricultural grazing land for tax purposes. Consequently, an increase in property tax revenues is expected for both counties due to the gain in acres of private land. Because the PILT payment will not be affected, this will result in a net increase of revenue to the counties.

Any logging of merchantable timber from BLM parcels conveyed out of Federal ownership under the Proposed Action or Alternative 2 would likely have a short-term beneficial effect on local and regional economies. This would not occur under Alternative 1.

Receipt of grazing revenues returned to Beaverhead and Madison Counties as a result of collection of fees on the BLM parcels leased for grazing will be reduced as a result of

the exchange under the Proposed Action or Alternative 2. However, this reduction is anticipated to be minimal because:

- The return of grazing fees from BLM to the State is 12 1/2% of fees collected within a grazing district and 50% of fees collected on land outside a grazing district, and
- Collection of the current fee per Animal Unit Month (AUM) is \$1.35, results in low overall payments.

Under Alternative 1, the counties would continue to collect a portion of the grazing fee on those parcels leased for grazing since no public lands would be conveyed from Federal ownership.

Implementation of the No Action alternative would retain the status quo. The counties would continue to collect a portion of the grazing fee on those parcels leased for grazing, but tax revenue would not be generated. PILT payments would continue.

## **MITIGATION MEASURES**

Certain issues or concerns would preclude transfer of a BLM parcel out of Federal ownership in order to mitigate impacts. These include:

- Unresolved mining claim issues.
- Unresolved cultural resource issues.
- Unresolved impacts to threatened or endangered species.

Any parcels with these unresolved concerns will be dropped from the exchange pool and will not be conveyed from public ownership.

Parcels which do not exhibit any of the above unresolved issues or concerns may be considered for exchange, based on the impacts disclosed in this assessment. The following criteria would be used to prioritize the remaining parcels for exchange:

- Parcels associated with easement acquisitions.
- Parcels where transfer from Federal ownership reduces an administrative workload, for example where a custodial grazing allotment is eliminated.

Remaining considerations when reviewing parcels to equalize value will include legal access considerations and location of parcels adjacent to other Federal or State lands. However, these considerations will not preclude utilization of a parcel when necessary to achieve the value necessary to accomplish the exchange and place the Axolotl Lakes property into public ownership.

No mitigation measures have been identified for implementation of Alternative 1, acquisition using LWCF funds.

## **RESIDUAL IMPACTS**

Residual impacts from implementation of the Proposed Action will include some loss of access, often limited, in exchange for guaranteed access in other locales. Parcels with legal access or commercial timber could be used in a different manner than presently managed by BLM if conveyed out of Federal ownership. Potential impacts to vegetation, wildlife, water quality, and social values of open space could occur as a result of timber harvest or rural homesite development, depending on the type and intensity of use.

Residual impacts from implementation of Alternative 1 will mainly be economic. County tax revenues expected from exchange of Federal lands into private ownership would result in increased property tax revenues. This would not occur under Alternative 1, and PILT payments to Madison County would not increase. In addition, opportunities to gain additional access to blocks of public land as the result of easement acquisition associated with exchange of Parcels 525 and 529 would be lost under Alternative 1.

These same types of impacts as described in the Proposed Action will occur with implementation of Alternative 2, but to a lesser degree since a portion of that alternative would utilize LWCF funding.

If No Action is taken, the biggest residual impact will be in the probable loss of public use and enjoyment of the fishery, recreational and scenic values of the Axolotl Lakes property. Recovery of the fluvial Arctic grayling could be jeopardized if access to the brood pond on adjacent property were limited or denied. Other impacts to vegetation, water, and wildlife resources may occur if additional rural homesite development occurs on the property.

## **CONSULTATION AND COORDINATION**

### Public Involvement and Agencies and Persons Consulted

In 1998, a formal Notice of Exchange Proposal (NOEP) was published in *The Madisonian* and the *Dillon Tribune* newspapers. The NOEP was published in the legal section for four consecutive weeks in each newspaper. A copy of the NOEP and a news release announcing open houses to answer questions and seek public input was sent to 99 entities who had previously expressed an interest in BLM's land exchange program or had affected interests associated with the BLM exchange parcels. This included adjacent landowners and grazing permittees. The open houses were held in 1998 as follows:

Dillon---May 26, 1998  
Ennis----May 27, 1998

Butte----May 28, 1998

Grazing permittees were sent a 2-year notice as required under the grazing regulations when land under lease is being considered for conveyance out of Federal ownership. In addition, meetings were held with local County government officials early in the process to review and discuss the proposed exchange.

As a result of new guidance and review of land exchanges at the Washington level, an additional NOEP was published in September 2000, again in the *Dillon Tribune* and *The Madisonian*. The mailing list was updated and additional notices sent to inform the public of a slightly modified exchange proposal. TCF became the proponent and facilitator for the Axolotl Lakes Land Exchange as a result of exchange processing modifications.

This exchange is supported by a broad cross-section of interested publics and numerous individuals. Some of the groups on record in support of the exchange include the Madison County Commissioners, the Skyline Sportsmen Association, and the many sponsors of the Fluvial Arctic Grayling Recovery Program including FWP, the Montana Chapter of the American Fisheries Society, the Montana Council of Trout Unlimited, the U.S. Fish and Wildlife Service, the National Park Service, the Montana Natural Heritage Program, the U.S. Forest Service, and the Montana Power Company. Other supporters include the faculty of Montana State University and the University of Montana.

#### List of Preparers

An Interdisciplinary Team comprised of a variety of resource specialists in the Dillon Field Office provided input and comment to prepare this environmental assessment. The team included:

Russ Sorensen/Renee Johnson, Realty Specialist  
David Kampwerth, Fisheries Biologist  
Jim Roscoe, Wildlife Biologist  
Rick Waldrup/Susan James, Outdoor Recreation  
Mark Sant, Archaeologist  
Joe Casey, Forester  
John McKay/Bob Gunderson, Geologist  
Jeff Fenton, Rangeland Mgmt Specialist





**APPENDIX 1**  
**Federal Lands Proposed for Exchange**

15B	T9S, R8W, Sec. 7: Lot 4	37.93 acres
98	T13S, R4W, Sec 14: NWSW	40 acres
99	T13S, R4W: Sec. 21: SESW	40 acres
127	T14S, R4W, Sec. 10: E2NW, SWNW, W2SW	200 acres
229	T4S, R4W, Sec. 8: NENE	40 acres
236	T5S, R3W, Sec. 30: S2NE	80 acres
250	T9S, R4W, Sec 24: SESE	40 acres
262	T8S, R1E, Sec. 28: S2	320 acres
266	T2S, R3W, Sec. 11: N2NE, NW and Sec. 12: NWNW	280 acres
297	T7S, R9W, Sec. 20: SENE	40 acres
298	T9S, R9W Sec. 12: W2NE, SE Sec. 13: N2NE, SWNE	360 acres
304	T4S, R4W, Sec. 21: Lot 4	42.07 acres
305	T4S, R4W, Sec 31: SE	160 acres
312	T9S, R10W, Sec. 27: W2SW	80 acres
336	T10S, R13W Sec 9: E2NE Sec 10: SWNW, W2SW Sec 15: Lot 4, SWNW, W2SW	370.45 acres
340	T11S, R12W, Sec 22: NWSE	40 acres
355A	T10S, R11W, Sec. 8: SENE	40 acres
355B	T10S, R11W, Sec. 9: SESW	40 acres
357	T14S, R7W, Sec. 5: Lots 1 & 4	79.50 acres
358	T13S, R7W, Sec. 32: SESE	40 acres

361	T11S, R7W Sec 2: SE Sec 10: E2NW	240 acres
362	T11S, R8W Sec 1: SWSW Sec 2: SESE Sec 3: SWSE Sec 10: W2SW Sec 11: N2NE, NENW Sec 15: SWSW	360 acres
376	T5S, R14W, Sec. 30: Lot 1	43.06 acres
377	T7S, R13W, Sec. 35: Lots 1 and 2, SENE	117.96 acres
378	T8S, R13W, Sec. 31: NENE	40 acres
422	T4S, R2W, Sec. 14: Lot 5	8.11 acres
433	T11S, R12W, Sec 23: SWSE	40 acres
434	T10S, R11W, Sec 3: NESW	40 acres
445	T9S, R1E, Sec. 34: SWNE	40 acres
446	T9S, R1E, Sec. 35: SESE	40 acres
451	T8S, R6W, Sec. 28: S2	320 acres
470	T8S, R7W, Sec. 21: SWNE Sec. 22: E2W2, W2E2 Sec. 23: SE Sec. 26: E2 Sec. 27: NWNE,SENE,NESE	960 acres
475	T2S, R3W, Sec. 12: SWSE	40 acres
508	T9S, R1E, Sec 2: Lot 2 and SWNE Sec 11: NWNE	123.62 acres
509	T9S, R1E, Sec 35: NENE, W2NE,NENW	160 acres
510	T10S, R1E, Sec 2: E2SE	80 acres
517	T13S, R5W, Sec. 7: W2NE	80 acres
520	T4S, R9W, Sec. 21: E2NE	80 acres

522	T10S, R14W, Sec. 4: Lots 11, 12, 13, and 14 Sec. 5: Lot 6	122.08 acres
523	T10S, R9W, Sec. 13: W2NE	80 acres
524	T6S, R3W, Sec. 17: N2NENENE	5 acres
525	T5S, R3W, Sec. 25: N2N2NWNWSE	2.5 acres
526	T8S, R1W, Sec 31: Lots 6, 7, and 8	66.63 acres
529	T14S, R4W Sec 5: SESW Sec 7: SENE Sec 8: SWNW,N2S2	280 acres
531	T10S, R8W, Sec. 7: Lot 4 and SESW T10S, R9W, Sec 12: SESE	119.24 acres
532	T13S, R1W Sec 8: Lots 3 and 4 Sec 17: N2	417.57 acres
534	T11S, R13W Sec 7: Lot 8 Sec 8: Lot 2	36.4 acres
535	T7S, R4W,Sec 13: Lot 4	13.64 acres
536	T6S, R2W, All of Sec 32 T7S, R2W: Sec. 5: Lots 1, 2, and 3	793.94 acres
537	T5S, R6W, Sec 6: Lot 1	41.64 acres
538	T9S, R14W Sec 22: NE Sec 26: W2NW, NWSW	280 acres
539	T8S, R5W Sec 3: S2NW, NWSW Sec 4: SENE	160 acres
Total Federal Acres = 7601.34 acres		

APPENDIX 2  
RESOURCE PRESENCE BY PARCEL

#	County	Acres	Access	Timber	Grazing	T&E	Cultural	H2O	Min Locate	Min Sales	Min Leas	Encumbrances
15B	B	37.93	N	Y	Y	N	N	N	L/L	L/L	L/L	N
98	B	40	N	N	Y	N	N	N	L/L	L/L	L/L	N
99	B	40	Y	N	Y	N	N	N	L/L	H/L	L/L	Y
127	B	200	N	N	Y	N	N	N	L/L	L/L	L/L	N
229	M	40	N	Y	Y	N	N	N	M/L	L/L	L/L	N
236	M	80	Y	N	Y	N	N	N	L/L	L/L	L/L	Y
250	M	40	N	Y	N	Pot	N	N	L/L	L/L	L/L	N
262	M	320	N	N	Y	N	N	N	L/L	M/M	L/L	N
266	M	280	N	Y	Y	N	N	N	M/L	L/L	L/L	N
297	B	40	N	N	Y	N	N	N	L/L	L/L	L/L	N
298	B	360	N	Y	Y	N	N	N	L/L	L/L	L/L	N
304	M	42.07	N	N	Y	N	N	N	M/L	L/L	L/L	N
305	M	160	N	N	Y	N	N	N	L/L	L/L	L/L	N

#	County	Acres	Access	Timber	Grazing	T&E	Cultural	H2O	Min Locate	Min Sales	Min Leas	Encumbrances
312	B	80	N	N	Y	N	N	N	L/L	M/L	L/L	Y
336	B	370.45	N	N	Y	N	Y	N	L/L	L/L	L/L	Y
340	B	40	N	N	Y	N	N	N	UNAV	UNAV	UNAV	N
355A	B	40	N	N	Y	N	Y	N	UNAV	UNAV	UNAV	Y
355B	B	40	N	N	Y	N	N	N	UNAV	UNAV	UNAV	Y
357	B	79.50	N	N	Y	N	N	N	UNAV	UNAV	UNAV	Y
358	B	40	N	N	Y	N	Y	N	UNAV	UNAV	UNAV	Y
361	B	240	N	Y	Y	N	N	N	L/L	L/L	L/L	N
362	B	360	Y(part)	N	Y	N	N	N	L/L	M/L	L/L	Y
376	B	43.06	N	N	Y	N	N	N	UNAV	UNAV	UNAV	N
377	B	117.96	N	N	Y	N	N	N	L/L	L/L	L/L	N
378	B	40	N	N	Y	N	N	N	L/L	L/L	L/L	N
422	M	8.11	N	N	N	N	N	N	M/L	L/L	L/L	N

#	County	Acres	Access	Timber	Grazing	T&E	Cultural	H2O	Min Locate	Min Sales	Min Leas	Encum brances
433	B	40	N	N	Y	N	N	N	L/L	L/L	L/L	Y
434	B	40	N	N	Y	N	N	N	L/L	L/L	L/L	Y
445	M	40	N	N	Y	Y	N	N	L/L	M/M	L/L	N
446	M	40	N	N	Y	Y	N	N	L/L	M/M	L/L	N
451	M	320	Y	N	Y	N	N	N	M/L	L/L	L/L	Y
470	M/B	960	N	Y	Y	N	N	Y	L/L	L/L	L/L	Y
475	M	40	N	N	Y	N	N	N	M/L	L/L	L/L	N
508	M	123.62	N	N	Y	Y	N	N	L/L	H/L	L/L	N
509	M	160	N	Y	Y	Y	N	Y	L/L	H/L	L/L	N
510	M	80	N	N	Y	Y	N	N	L/L	L/L	L/L	N
517	B	80	N	N	Y	N	N	N	L/L	L/L	L/L	N
520	B	80	Y	N	Y	N	N	N	L/L	L/L	L/L	Y
522	B	122.08	Y(part)	N	Y	N	N	Y	H/L	L/L	L/L	Y
523	B	80	N	Y	Y	N	N	N	L/L	L/L	L/L	N
524	M	5	Y	N	Y	N	N	N	L/L	L/L	L/L	Y
525	M	2.5	N	N	Y	N	N	N	L/L	L/L	L/L	N

#	County	Acres	Access	Timber	Grazing	T&E	Cultural	H2O	Min Locate	Min Sales	Min Leas	Encumbrances
526	M	66.63	N	N	Y	Y	N	N	H/L	L/L	L/L	N
529	B	280	N	N	Y	N	N	Y	L/L	H/L	L/L	N
531	B	119.24	N	Y	Y	N	N	N	L/L	L/L	L/L	N
532	B	417.57	N	N	Y	N	N	N	L/L	H/L	L/L	N
534	B	36.4	N	N	Y	N	N	N	H/M	L/L	L/L	Y
535	M	13.64	N	N	Y	N	N	N	L/L	L/L	L/L	N
536	M	793.94	Y	N	Y	N	N	N	L/L	L/L	L/L	Y
537	M	41.64	N	N	N	N	N	N	L/L	M/L	L/L	N
538	B	280	N	N	Y	N	Y	N	L/L	L/L	L/L	Y
539	M	160	N	N	Y	N	N	N	L/L	L/L	L/L	N

B=Beaverhead County, M=Madison Madison

N=No, Y=Yes

Presence of Water (H2O) is based on location of a perennial stream on the parcel

Minerals are either Locatable, Saleable or Leasable, and rated first for Occurrence then for Development Potential

L=Low, M=Moderate, H=High

## APPENDIX 3

### Exceptions and Reservations on the Federal Lands

#### **Excepting and reserving to the United States:**

All Parcels A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

Parcel 362 A right-of-way thereon for a road, over, across and upon a strip of land 100 feet wide, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 1, the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2 and the N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, T. 11S, R.8W, Principal Meridian, Montana, as granted by serial number MTM-19397 under the Act of January 13, 1916 (44 L.D. 513).

Parcel 520 A right-of-way thereon for a highway over, across and upon a strip of land located in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 21, T.4S, R.9W, Principal Meridian, Montana, as granted by serial number MTM-14057 under the Act of August 27, 1958 (23 U.S.C. 107(d)).

Parcel 524 A right-of-way thereon for a highway over, across and upon a strip of land located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 17, T.6S, R.3W, Principal Meridian Montana, as granted by serial number MTGF-084249 under Section 17 of the Act of November 9, 1921 (23 U.S.C. 18).

Parcel 536 A right-of-way thereon for a road, over, across and upon a strip of land 60 feet wide, located in the NW $\frac{1}{4}$  of Section 32, T.6S, R.2W, Principal Meridian, Montana, as granted by serial number MTM-71966 under the Act of January 13, 1916 (44 L.D. 513).

A right-of-way thereon to the Federal Aviation Administration for a communication site facility and access road, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and the W $\frac{1}{2}$  of Section 32, T.6S, R.2W, Principal Meridian Montana, as granted by serial number MTM-77558 under the Act of October 21, 1976 (43 U.S.C. 1767).

#### **Subject to:**

Parcel 99 A right-of-way for a County Road administered by Beaverhead County lying over, across and upon a strip of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, T.13S, R.4W, Principal Meridian, Montana.

Parcel 236 A right-of-way for a County Road administered by Madison County lying over, across and upon a strip of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T.5S, R.3W, Principal Meridian, Montana.



- Parcel 357 Those rights for an oil and gas lease granted by serial number MTM-84268.
- Parcel 358 Those rights for an oil and gas lease granted by serial number MTM-84268.
- Parcel 362 A right-of-way for a County Road administered by Beaverhead County, lying over, across and upon a strip of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, T.11S, R.8W, Principal Meridian, Montana.
- Parcel 451 A right-of-way for a County Road administered by Beaverhead County, lying over, across and upon a strip of land located in the S $\frac{1}{2}$  of Section 28, T.8S, R.6W, Principal Meridian, Montana.

A road use agreement thereon for use of an existing road, over, across and upon a strip of land 12 feet in width, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28, T.8S, R.6W, Principal Meridian, Montana, as granted by serial number MTM-90837 under the Act of October 21, 1976 (43 U.S.C. 1767).

**And the following rights, converted to easements, with patent taken subject to:**

- Parcel 99 Those rights for a buried telephone line granted to 3 Rivers Telephone Cooperative, Inc., its successors or assigns, by serial number MTM-55636, 20 feet in width, as to the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, T.13S, R.4W, Principal Meridian, Montana
- Those rights for an overhead electric transmission line granted to Vigilante Electric Cooperative, its successors or assigns, by serial number MTM-071010, 40 feet in width, as to the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21, T.13S, R.4W, Principal Meridian, Montana.
- Parcel 336 Those rights for an overhead electric transmission line granted to the Idaho Power Company, its successors or assigns, by serial number MTM-33656, 100 feet in width, as to the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T.10S, R.13W, Principal Meridian, Montana.
- Parcel 362 Those rights for a buried telephone line granted to 3 Rivers Telephone Cooperative, Inc., its successors or assigns, by serial number MTM-55636, 20 feet in width, as to SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, T.11S, R.8W, Principal Meridian, Montana.
- Parcel 433 Those rights for an overhead electric transmission line granted to the Montana Power Company, its successors or assigns, by serial number MTM-5487, 100 feet in width, as to the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 23, T.11S, R.12W, Principal Meridian, Montana.

Parcel 470 Those rights for an access road granted to the Christensen Ranch, its successors and assigns, by serial number MTM -59958, 40 feet in width, as to the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 22, T.8S, R.7W, Principal Meridian, Montana.

Parcel 520 Those rights for an overhead electric distribution line granted to Vigilante Electric Cooperative, its successors or assigns, by serial number MTM-60935, 20 feet in width, as to the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T.4S, R.9W, Principal Meridian, Montana.

Those rights for a buried telephone line granted to 3 Rivers Telephone Cooperative, Inc., its successors or assigns, by serial number MTM-90277, 20 feet in width, as to the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, T.4S, R.9W, Principal Meridian, Montana.

Parcel 522 Those rights for an overhead transmission line granted to the Idaho Power Company, its successors or assigns, by serial number MTM-0385, 40 feet in width, as to Lots 11 and 12, Section 4, T.10S, R.14W, Principal Meridian, Montana.

Those rights for an access road granted to Kevin Taylor, its successors or assigns, by serial number MTM-82936, 30 feet in width, as to Lot 14 of Section 4, T.10S, R.14W, Principal Meridian, Montana.

Those rights for a buried electric distribution line granted to Vigilante Electric Cooperative, its successors or assigns, by serial number MTM-85541, 30 feet in width, as to Lot 14, Section 4, T.10S, R.14W, Principal Meridian, Montana.

Those rights for a buried telephone line granted to the Southern Montana Telephone Company, its successors or assigns, by serial number MTM-54589, 20 feet in width, as to Lot 11, Section 4 and Lot 6, Section 5, T.10S, R.14W, Principal Meridian, Montana.

Parcel 536 Those rights for an overhead electric distribution line granted to the Montana Power Company, its successors or assigns, by serial number MTM-78986, 20 feet in width, as to the S $\frac{1}{2}$  of Section 32, T.6S, R.2W, Principal Meridian, Montana.

Parcel 538 Those rights for an overhead transmission line granted to the Idaho Power Company, its successors or assigns, by serial number MTM-0385, 40 feet in width, as to the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, T.9S, R.14W, Principal Meridian, Montana.